IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14558 of 2006
Date of Decision: 12.09.2006

Harbans Singh

Petitioners

versus

Election Tribunal cum Civil Judge (Junior Division), Jagadhri and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri Robin Dutt, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed laying challenge to the order Annexure P/3, vide which, re-count of the votes has been ordered in pending election petition. That Election Petition was filed by respondent No.2 challenging election of the petitioner for the post of Member, from Ward No.22, Panchayat Samiti, Chhachhrauli. To order re-count, it has been noticed by the Election Tribunal that immediately, when counting was complete, as per Rule 69 of the Haryana Panchayati Raj Election Rules, 1994, respondent No.2 had moved an application for re-count. No action was taken thereon. To say so, contents (statement) from the cross-examination of the petitioner has been relied upon. Rule 69, referred to above, clearly envisages that when election result is complete and after making entries in the result sheet, the result is pronounced, it is open to the candidates to move an application for re-count and then the Returning Officer is supposed to pass an order on that application. But in the present case, nothing was done. In view of this, the order passed by the Election Tribunal is perfectly justified. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

September 12, 2006
gk

(Pritam Pal)
Judge